

NATIONAL MEDIATION BOARD  
REPRESENTATION MANUAL



Revised Text Effective ---- June 21, 2005

NOTICE

This Manual provides general procedural guidance to the National Mediation Board's staff with respect to the processing of representation cases before the NMB. Such procedural guidance is not required by or subject to the Administrative Procedure Act. The provisions of this Manual are neither obligatory upon the Members of the Board nor do they constitute the exclusive procedure for the NMB's investigation of representation matters pursuant to the Railway Labor Act.

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(Revised text is effective June 21, 2005,  
and replaces all previous versions of the Manual as of that date.)

## REPRESENTATION MANUAL

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- (6) ballots which identify the voter, unless the voter has placed his/her name in the write-in space on the ballot and is not identified elsewhere on the ballot.

#### 15.0. TABULATION AND REPORT OF ELECTION RESULTS

Following any adjustment to the List of Eligible Voters, the Investigator shall complete the count, tabulate the results, and record the results on the Report of Election Results. The Investigator shall sign the Report of Election Results and provide copies to the participants.

##### 15.1 Certifications and Dismissals

The NMB will generally issue a Certification or Dismissal based upon the Report of Election Results the next business day following the count. Existing Certifications remain in effect until the NMB issues a new Certification or Dismissal.

#### 16.0 RUN-OFF ELECTIONS

When a majority of the eligible voters have cast valid ballots, but no single organization or individual has received a majority of the votes cast, a run-off election may be held. All requests for run-off elections should be directed to the attention of the General Counsel. Run-off elections will be conducted only with written authorization of the Board. The procedures for run-off elections are set forth in the NMB Rules § 1206.1 (29 CFR § 1206.1).

In a run-off election, the ballot includes only the two representatives receiving the greater number of votes cast in the initial election, and does not include a space for write-in votes. The representative receiving the higher number of votes in the run-off is declared the winner even if fewer than a majority of the eligible employees cast run-off ballots. (See 29 C.F.R. § 1206.1).

#### 17.0 ALLEGATIONS OF ELECTION INTERFERENCE

The NMB will investigate allegations of election interference only after the tally, except in extraordinary circumstances. The NMB will consider only written allegations of election interference. Allegations must be submitted to the General Counsel no later than 4 p.m., Eastern Time, seven (7) business days after the date of the tally. Participants may respond to such allegations by 4 p.m., Eastern Time, seven (7) business days after the General Counsel's receipt of the interference allegations. All submissions must comply with the simultaneous service requirements in Manual Section 1.2.